

Message Text

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C O N F I D E N T I A L BRUSSELS 09919

EXDIS

USEEC

NSC FOR AARON AND HUNTER. DEPT FOR AMBASSADOR GERARD
SMITH AND ASST SEC VEST. PARIS FOR AMBASSADOR HARTMAN

E.O. 11652: GDS
TAGS: ENRG, EEC
SUBJECT: US-EURATOM NEGOTIATIONS

1. AS YOU KNOW, WHILE THERE ARE FAINT INDICATIONS THAT THE FRENCH WILL CHANGE THEIR "NO" TO A CONDITIONAL "YES" AT OR EVEN BEFORE THE BONN SUMMIT, IT ALSO APPEARS THAT THE KIND OF REPLY WHICH EVENTUALLY MAY BE FORTHCOMING COULD BE HARD FOR US TO FIND ACCEPTABLE. IT IS APPARENT THAT THE COMMISSION'S PRESENT IDEA OF A DRAFT THE FRENCH MIGHT ACCEPT IS MORE GRUDGING AND MORE LIMITING THAN THE TEXT REJECTED BY THE FRENCH LAST MONTH. I UNDERSTAND IT IS STILL THE EXECUTIVE BRANCH'S INTENTION NOT TO QUIBBLE ABOUT LANGUAGE IF THE EC INTENT IS WITHIN THE BOUNDS OF US LAW. THIS I APPLAUD, BUT IN DISCUSSIONS HERE ON THE FRINGES OF THE ATOMIC INDUSTRIAL FORUM MEETING HIGHLY KNOWLEDGEABLE INDIVIDUALS HAVE MADE ME AWARE THAT TO DO SO COULD POSE A POTENTIALLY TRICKY DOMESTIC POLITICAL PROBLEM.

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2. IT HAS BEEN SUGGESTED THAT THE NRC ITSELF MIGHT SECOND-GUESS AN EXECUTIVE DECISION TO ACCEPT A CONDITIONAL OR AMBIGUOUS COMMUNITY STATEMENT ABOUT "TALKS" AS MEETING THE CRITERIA OF THE NON-PROLIFERATION ACT. MARC ROWDEN, FORMER NRC CHAIRMAN, THOUGHT THAT EVEN IF A MAJORITY OF THE COMMISSION AGREED WITH THE EXECUTIVE BRANCH, ONE COULD ANTICIPATE CHALLENGES FROM PUBLIC GROUPS OPPOSING THE

ISSURANCE OF LICENSES. IN SUCH CIRCUMSTANCES HE FORESAW A HIGH PROBABILITY OF CONGRESSIONAL CHALLENGE FEEDING A CONTINUING HIGH RISK POLITICAL ATMOSPHERE, A MORE RAPID EROSION OF EUROPEAN CONFIDENCE IN THE US AS A SUPPLIER, AND, AS AN OVERALL RESULT, HEIGHTENED DANGERS OF NUCLEAR PROLIFERATION, I.E., THE REVERSE OF OUR BASIC OBJECTIVE. MARC'S SUGGESTED ANSWER FOR THIS IS AN EDUCATIONAL EFFORT ON THE HILL, WHICH I AM ALL IN FAVOR OF, AND ASSUME IS ALREADY UNDERWAY. IN ADDITION, IF YOU SHARE THESE CONCERNS IN WHOLE OR PART, YOU MIGHT FIND MERIT IN THE FOLLOWING THOUGHTS.

3. IT SEEMS TO ME THAT THE PRESIDENT IN MEETING WITH GISCARD SHOULD INDEED RAISE THE MATTER AND SHOULD TAKE THE LINE THAT HE UNDERSTANDS THE REASONS FOR EUROPEAN AND FRENCH ADVERSE REACTIONS, THAT HE DOESN'T LIKE THE EMBARGO ANY MORE THAN THEY, BUT THAT THE REAL PROBLEM NOW IS TO FIND A WAY AHEAD COMPATIBLE WITH THE POLITICAL REALITIES. THE BEST WAY TO DO THIS, FROM OUR STANDPOINT, WOULD BE A ONE-SENTENCE FORMAL REPLY FROM THE COMMUNITY EXPRESSING WILLINGNESS "TO NEGOTIATE" WITHOUT PREJUDICE TO COMMUNITY POSITIONS. WE WOULD STILL HAVE TO FIND A WAY TO PROVIDE UNDERSTANDINGS ABOUT THE CONDITIONS THE EUROPEANS CLEARLY PLAN TO ATTACH TO THE "TALKS." THESE UNDERSTANDINGS MIGHT THEN BE HANDLED SEPARATELY, PERHAPS EVEN IN A PRIVILEGED COMMUNICATION BETWEEN THE TWO PRESIDENTS, OR CONFIDENTIAL

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BETWEEN SCHMIDT, ON BEHALF OF THE GERMAN PRESIDENT IN OFFICE (JULY TO DECEMBER 30, 1978), AND PRESIDENT CARTER. IF THIS COULD BE DONE DIPLOMATICALLY, IT WOULD GIVE THE FRENCH AND INDIRECTLY THE OTHER CONCERNED EUROPEANS THE ASSURANCES THEY SEEK WHILE GIVING THE US A STATEMENT THAT WOULD MORE CLEARLY MEET THE REQUIREMENTS OF THE ACT AND LESSEN, IF NOT REMOVE, THE DANGERS TO WHICH ROWDEN AND OTHERS HAVE DRAWN MY ATTENTION.

4. DOUBTLESS THERE ARE OTHER IDEAS WHICH MAY ALSO HAVE FLAWS, BUT I DO THINK THAT IT IS HIGHLY DESIRABLE THAT WE FIND A WAY TO MINIMIZE THE POLITICAL RISKS THAT COULD BE ENTAILED FOR PRESIDENT CARTER SHOULD THIS ISSUE GO TO THE SUMMIT, APPEARING TO THE PRESS AT LEAST AS AN AMERICAN-EUROPEAN CONFRONTATION. WHILE IT IS PERFECTLY CLEAR THAT THE FRENCH ARE SUCCEEDING IN DISCREDITING THE PRESIDENT'S STATEMENTS THAT WE WISH TO BE A "RELIABLE SUPPLIER" AND IN THE PROCESS SECURING SIGNIFICANT COMMERCIAL ADVANTAGES AS WELL AS MUCH POLITICAL SUPPORT FOR THEIR "PRINCIPLED" STAND (IF NOT FOR THE RESULTING EMBARGO), I STILL DOUBT THAT GISCARD WOULD WANT IN THE LAST ANALYSIS TO PUT PRESIDENT CARTER IN A PERSONALLY EMBARRASSING POLITICAL POSITION

AT BONN. THEREFORE, I RECOMMEND THAT THE PRESIDENT SHOULD
TRY WHEN THEY MEET THIS WEEK TO MAKE AN ALLY OF PRESIDENT
GISCARD IN FINDING A VIABLE WAY OUT. HINTON

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